

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

CHANTELLE HARRIS,

Plaintiff,

-against-

JAMAICA AUTO REPAIR INC., et al.,

Defendants.

**MEMORANDUM
AND ORDER**

03-CV-417 (ERK)

ROANNE L. MANN, UNITED STATES MAGISTRATE JUDGE:

The Court is in receipt of a letter to the Court dated April 15, 2009, from *pro se* plaintiff Chantelle Harris (“plaintiff”). The letter apparently was prompted by the Court’s Memorandum and Order (“M&O”) of March 30, 2009, which granted defendant’s motion for summary judgment on specified misrepresentation-of-mileage claims; scheduled a jury trial and final pretrial conference; and directed the parties to prepare and file their Joint Pretrial Order (“JPTO”) and exchange and submit to Chambers premarked copies of all trial exhibits. See 3/30/09 M&O, at 3-4.

Plaintiff’s April 15th letter apparently was intended to be her portion of the JPTO. However, plaintiff fails to number and list her trial exhibits. She is directed to include a list of numbered exhibits in the final JPTO, which is due by April 30, 2009, and should include both sides’ portions, along with premarked copies of all trial exhibits.

At page 2 of her April 15th letter, plaintiff appears to reargue the Court’s decision to

grant defendant partial summary judgment on the specified misrepresentation-of-mileage claims. The Court adheres to its ruling of March 30, 2009. Moreover, plaintiff's reliance on the document from CMD Tires & Automotive is misplaced, inasmuch as the Court ruled on December 13, 2007, that the document did not satisfy plaintiff's expert disclosure obligations. See 12/13/07 M&O, at 6-7. Plaintiff was afforded an opportunity to cure the deficiencies specified by the Court, see id. at 7, but she responded that she tried and was unable to do so. See Letter from Plaintiff to the Court (Feb. 19, 2008). The CMD document will not be admitted in evidence.

Finally, plaintiff requests permission to participate by phone in the final pretrial conference. Under the circumstances, her request is granted, provided she timely submits premarked copies of her trial exhibits.

SO ORDERED.

Dated: **Brooklyn, New York**
April 23, 2009

ROANNE L. MANN
UNITED STATES MAGISTRATE JUDGE